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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,640	01/07/2004	Randy Lohrentz	34016	6019
23589	7590	01/19/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/752,640	LOHRENTZ ET AL
	Examiner Árpád Fábián Kovács	Art Unit 3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24-29, 32, 34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohrentz (6415590).

Claims 24-29, 32, 34, deal with having one cross conveyor (20) which can be lifted so that harvest can be placed behind or laterally by lifting the cross conveyor (see col. 1, In 38-52);

The main conveying is considered to be the conveyor between the header cutting means and the cross conveyor;

In re claim 24:

Frame (22), the brackets, fasteners are inherent or disclosed in by the prior art;

In re claim 25. 26:

Side by side driven rollers & crop engaging portions (fig 3, at ref 20)

In re claim 27:

The conveyor is hydraulic motor driven (ref 56).

As applied to claim(s) 28-29, 32, 34, in view of the structure disclosed/taught by Lohrentz, the method of operating/using the device is inherent since it is the normal and logical manner in which the device is used.

3. Claims 1-7, 9, 9-15, 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jennings (5231826).

Claims 1-7, 9, 9-15, 17, discloses having an 2<sup>nd</sup>/extension/wing conveyor a cross conveyor driven faster (see col. 7, 50-62, the 2<sup>nd</sup> conveyor preferably driven a faster speed);

The fluffing takes place due to the faster speed or due to the elevation of ref 30a;

In re claim 17: the 2<sup>nd</sup>/extension/wing conveyor operable separately or independently (col. 4, ln 49-51; see also, col. 9, about independently driving the hydraulic motor).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 8, 16, 18-27, 30-31, 33 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohrentz (6415590), in view of Jennings (5231826).

Lohrentz discloses the claimed device except for 2<sup>nd</sup> conveyor.

Jennings discloses that it is known in the art to provide a 2<sup>nd</sup> 2<sup>nd</sup>/extension/wing conveyor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cross conveyor of Lohrentz with the extension conveyor of Jennings, in order to extend the range (outside the wheel) for depositing/providing a windrow.

As applied to claim(s) 30-31, 33, in view of the structure disclosed/taught by Lohrentz as modified by Jennings, the method of operating/using the device would have been obvious since it is the normal and logical manner in which the device is used.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peeters et al., Dow et al., van der Lely et al., Lesher et al., Bittle, McRobert, Siri, Curl, Case, Gates et al., Blaser et al., Nerness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 703-308-5897. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308 3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábián Kovács  
Primary Examiner  
Art Unit 3671

ÁFK